

# Georgia Department of Community Health

<b>Leave of Absence Without Pay</b>	<b>Policy No. 217</b>
<b>Effective Date:</b> July 17, 2000	<b>Page <u>1</u> of <u>7</u></b>

**References:** Rules of the State Personnel Board, Rule 18

## **I. Purpose**

The purpose of this policy is to establish the guidelines for granting authorized leave without pay for absences in excess of 30 calendar days.

## **II. Scope**

This policy applies to all full-time and part-time classified and unclassified employees eligible to earn and use leave.

### **Definitions**

“*Authorized Official*” refers to Office Directors; Director of the Division of Health Planning; Director of the Division of Public Employees Health Benefits; and the following Section Directors in the Division of Medical Assistance: Institutional Reimbursement, Managed Care, Maternal and Child Health, Planning and Development, Program Initiatives, Program Policy, Recipient and Third Party Services, Regulatory Review, and Systems Management.

### **Policy**

- A. Classified and unclassified employees who are eligible for leave benefits may submit written requests for *regular and contingent leaves of absence without pay* for specified periods. Leaves of absence without pay may be granted or denied at the discretion of the authorized official.
- B. Leaves of absence without pay, if granted, should be for short periods of time, unless there are unusual circumstances, which support an extended period of time. Leaves of absence without pay do not include brief absences charged to *short-term (Other) leave without pay* (30 calendar days or less). When absence from work is due to a family leave qualifying reason, employees should be placed on family leave (with or without pay) prior to placement on regular or contingent leaves of absence without pay. If family leave has been exhausted or is otherwise not available, employees may request leaves of absence without pay.

**Note:** Approved leaves of absence without pay do not cause a break in continuous service.



**C. Regular Leave of Absence Without Pay**

If a regular leave of absence without pay is granted, the position, which the employee occupies, or a position of equal grade and pay must be held for the employee's return. At the expiration of the regular leave of absence without pay, the employee will be reinstated without loss of any rights if the employee has complied with the terms and conditions outlined in the notice of approval.

**D. Contingent Leave of Absence Without Pay**

If a contingent leave of absence without pay is granted, the position, which the employee occupies, is **not held**. The employee is entitled to reinstatement only if a "suitable vacancy," as defined in the notice of approval, is available at the expiration of the leave.

**V. Procedures**

A. Employees are to submit written requests for leaves of absence without pay through their supervisors to the authorized official. The request must include the following information:

- ◆ the type of leave of absence (regular or contingent) being requested;
- ◆ the reason for the leave of absence without pay;
- ◆ the start date; and
- ◆ any other relevant information (e.g., statement from attending health care provider).

B. If not specified, an authorized official may designate the type of leave of absence without pay.

C. Requests based on illness, disability or other medical condition of the employee, family member or others must include a completed *CERTIFICATION OF SERIOUS HEALTH CONDITION FOR FAMILY LEAVE* Form or similar statement from the health care provider which supports the request for absence. (See Policy No. 220, Attachment #4) Clarification may be required from the employee and/or attending health care provider prior to making a determination on the request for the leave of absence without pay.

D. Requests for leaves of absence without pay will be reviewed and a determination made based on the following:

- 1 reasons for the leave of absence without pay;



2. amount of time requested;
3. employees' documented performance, behavior and attendance records;
4. needs of the organization; and
5. employees' years of service.

**E. Medical/Psychiatric Examination**

Under limited circumstances and **only with the approval** of the Office of Human Resources, an authorized official may direct an employee to undergo a medical and/or psychiatric examination at the expense of the Department. This examination may be required prior to allowing the use of accrued leave, granting a leave of absence without pay (regular or contingent) or prior to allowing an employee to return from leave or be reinstated from a leave of absence without pay.

1. An employee is required to release the results of the medical and/or psychiatric examination to the Office of Human Resources. The results must be considered confidential and are to be shared with individuals only on a "need to know" basis.
2. Upon receipt of the results, a determination will be made regarding the appropriate action to be taken. Appropriate action includes, but is not limited to, the following:
  - a. employee may be allowed to use accrued leave;
  - b. employee may request and be granted a regular or contingent leave of absence without pay;
  - c. employee may be referred to a treatment program;
  - d. employee may be allowed to return to work with or without accommodation.

**F. Determinations**

Final approval of requests for leaves of absence without pay is at the discretion of the authorized official.

1. An authorized official should notify the Office of Human Resources of the decision to approve or deny requests for leaves of absence without pay in a timely manner.



2. If a leave of absence without pay is approved by the authorized official, a *PERSONNEL ACTION REQUEST* Form is to be submitted to the Office of Human Resources. The Office of Human Resources will provide written notification to employees. The notification is to specify the terms and conditions of the approval including what type of leave of absence without pay has been approved (regular or contingent), the beginning and ending dates, and the terms for reinstatement (e.g., statement from the health care provider).
  - a. The written approval of a **regular** leave of absence without pay must identify the location and job(s), which will be available for employees' return to work.
  - b. The written approval of a **contingent** leave of absence without pay must include the following:
    - ◆ the organizational unit(s) within which a suitable vacancy must exist; and
    - ◆ the specific job(s) in the organizational unit which would represent a suitable vacancy.

**Note:** In order to be considered a "suitable vacancy," a position must be properly established, budgeted and have no other restrictions that must be resolved prior to filling the vacancy.

3. If an employee requests a regular leave of absence without pay, and it is determined that it will not be approved, the authorized official must notify the employee that the request is denied. If appropriate, an authorized official may offer the employee the opportunity to request a contingent leave of absence without pay. An authorized official does not have the authority to place an employee on a contingent leave of absence without pay when a specific request has not been received from the employee, except as provided in Section V. B. of this policy.
- G. Leaves of absence without pay are generally approved for medical reasons, which exceed the period covered by family leave and should be for short periods of time unless unique circumstances support a longer period of time.
- H. **Notice of Return**

Employees must notify authorized officials, verbally or in writing, of their intent to



return to work. This notification must be received prior to the expiration of the leave of absence without pay. Specific notification instructions may be included in the approval letter (e.g., notice will be required in writing, specific deadline date for receiving notice, etc.).

**I. Benefits**

While on a leave of absence without pay, employees may maintain health insurance coverage through the State Health Benefit Plan and continue their benefits through the Flexible Benefits Program.

1. Employees will be advised by the Office of Human Resources of the cost for maintaining health insurance and any benefits through the Flexible Benefits Program, arrangements for making payment, and consequences for not making timely payments.

2. The following forms must be completed and submitted to the Office of Human Resources to continue health insurance coverage:

♦ *REQUEST TO CONTINUE HEALTH BENEFITS DURING LEAVE OF ABSENCE WITHOUT PAY* (Form MS66-003), and

♦ *DISABILITY CERTIFICATION* (Form MS66-005), if appropriate.

3. Employees with at least one year of participation in the Group Term Life Insurance Program under the Employees' Retirement System (ERS) may retain coverage while on leaves of absence without pay. A request to continue coverage must be made in writing to ERS prior to beginning the leave of absence without pay. Coverage terminates if this written request is not filed with ERS.

J. A continuous leave of absence without pay, which may include any combination of regular, contingent or short-term (other) leave without pay, or unpaid family leave, cannot exceed 12 months.

K. Employees cannot use accrued annual leave during periods of absence in which they are receiving state-funded wage substitutes, including but not limited to Workers' Compensation benefits.

**L. Retaining Accrued Leave**

Employees may request that accrued leave (all or part) be retained while on leaves



without pay. Authorized officials should consider the reasons for the leaves of absence without pay and the length of time requested before approving a request to retain accrued leave.

**M. Reinstatement**

1. Prior to reinstatement of employees from leaves of absence without pay due to their own illness, disability or medical condition, employees must provide a statement from the attending health care provider to the authorized official.
  - a. The statement must indicate that the employee can resume the essential functions of the job, with or without reasonable accommodation.
  - b. Each health care provider's statement indicating work accommodations must be forwarded to the Office of Human Resources and will be reviewed on a case-by-case basis.
2. Employees may request to be reinstated prior to the expiration of approved leaves of absence without pay. Authorized officials may approve requests for early reinstatement unless specific circumstances prevent approval.
3. Upon return from leaves of absence without pay, employees retain previously accrued and unused leave.
4. In order for an employee to be reinstated from a contingent leave of absence without pay, a "suitable vacancy" must be properly established, budgeted and have no other restrictions that must be resolved prior to filling the vacancy.

**N. Extensions**

An extension of a leave of absence without pay, beyond the 12-month limitation, may be granted by the Office of Human Resources if the authorized official determines it to be appropriate. If an extension is granted, it will be a contingent leave of absence without pay only. Such an extension should be for a limited period of time and cannot be granted for more than 12 months.

**Note:** An extension will be granted only for the employee's medical reasons and when the employee's condition and other factors indicate that the employee will be able to return to work.

1. Employees are to make requests for extensions in writing to the authorized official. Only requests for a contingent leave of absence without pay will be considered.




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2. Requests for extensions must be accompanied by a statement from the attending health care provider, which supports the request for the continued absence.
3. Authorized officials are to either recommend approval or denial of the requests and forward it to the Office of Human Resources. The Office of Human Resources will either approve or deny requests in writing to the employee and will include the conditions of return.
4. If an extension is granted, a statement will be included in the notice that approval of the request for extension does not extend health insurance coverage under the State Health Benefit Plan. The State Health Benefit Plan will provide information regarding continuing coverage through COBRA.
5. Employees must notify authorized officials, verbally or in writing, of their intent to return to work. This notification must be received **prior** to the expiration of the leave of absence without pay or by the date specified in the approval notice.
6. At the expiration of the extension of the contingent leave of absence without pay, employees will be reinstated without loss of any rights only if a "suitable vacancy," as defined in the notice of approval, is available.
7. If reinstated, prior to returning to work, employees must submit to their authorized officials a statement from the attending health care provider which releases them to resume the essential functions of their job, with or without reasonable accommodation.

**O. Creditable Service Toward Retirement**

Members of the Employees' Retirement System who are on leaves of absence without pay due to a physical or mental illness, sickness or disorder caused by a job-related disease/accident may submit a request to purchase up to 12 months of service in a five-year period by paying employee contributions plus interest within the first six months of return to work.

<b>Approved By:</b> 	<b>Date:</b> 7-17-00
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